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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,991	05/10/2001	Kazuo Hiraguchi	Q63864	4134
7590	09/27/2004		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			RENNER, CRAIG A	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/851,991

### Applicant(s)

HIRAGUCHI ET AL.

### Examiner

Craig A. Renner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-42 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 3-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 33-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 August 2004 has been entered.

### ***Election/Restrictions***

2. Claims 26-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 27 May 2003.

3. Claims 1 and 3-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 30 June 2003.

***Specification***

4. The disclosure is objected to because of the following informality:

In lines 4-5 of claim 35, "said noncontact type memory" should be changed to --said noncontact-type memory-- in order to more clearly refer back to that set forth in line 2 of claim 35. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 38-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In lines 1-2 of claim 38, "said one set of projections" are indefinite because they lack clear and/or positive antecedent basis.

b. Claim 39 is indefinite because it depends on canceled "claim 32". As a result thereof many elements in the claim are indefinite because they lack clear and/or positive antecedent basis including "The recording medium cartridge" (line 1), "said accommodation portion" (lines 1-2), "said first and second movement prevention ribs" (lines 2-3) and "said one set of projections" (line 3).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 2, 34, 35 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Rae et al. (US 6,674,599).

With respect to claims 2 and 34, Rae teaches a recording medium cartridge (200) comprising a noncontact-type memory (300) having an IC section (410 and 413) for storing information and performing signal processing, and an antenna section (417) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 18-20 in column 8, for instance); and an accommodation portion (adjacent 300, as shown in Fig. 3, for instance) formed inside the recording medium cartridge which accommodates the noncontact-type memory at least partially, and which includes a first portion corresponding to the noncontact-type memory (as shown in Fig. 3, for instance) and a second portion in the vicinity of the noncontact-type memory (as shown in Fig. 3, for instance); wherein the accommodation portion is recessed one step relative to a surrounding portion (as shown in Fig. 3, for instance), wherein the first portion

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comprises at least one projection (i.e., an outer wall of lower cartridge shell, for instance, projects from a base of the lower cartridge shell to form a projection) for retaining the noncontact-type memory (as shown in Fig. 3, for instance), wherein the at least one projection extends from one of a first movement prevention rib (i.e., an inner tape-reel-area-defining rib, for instance, as shown in top-view Fig. 3, for instance) and a second movement prevention rib (i.e., an outer tape-reel-area-defining rib, for instance, as shown in top-view Fig. 3, for instance, from which the at least one projection extends, as shown in top-view Fig. 3, for instance), and wherein the first and second movement prevention ribs are formed discrete from side wall portions of the recording medium cartridge (as shown in top-view Fig. 3, for instance) [as per claim 2]; and wherein the accommodation portion is triangular in shape (as shown in top-view Fig. 3, for instance) [as per claim 34].

With respect to claim 35, Rae teaches a recording medium cartridge (200) comprising a noncontact-type memory (300) having an IC section (410 and 413) for storing information and performing signal processing, and an antenna section (417) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 18-20 in column 8, for instance); and an accommodation portion (adjacent 300, as shown in Fig. 3, for instance) formed by a tape movement prevention rib (i.e., outer tape-reel-area-defining rib, as shown in top-view Fig. 3, for instance, prevents unwound tape movement radially outside of rib), wherein the accommodation portion comprises at least one projection (i.e., an outer wall of lower cartridge shell, for instance, projects

from a base of the lower cartridge shell to form a projection) extending from the tape movement prevention rib (as shown in top-view Fig. 3, for instance), where the tape movement prevention rib and the at least one projection are configured to retain the noncontact-type memory (as shown in top-view Fig. 3, for instance), and wherein the tape movement prevention rib is disposed between the noncontact-type memory and a recording medium (lines 64-65 in column 7, for instance, i.e., located in tape reel area, as shown in top-view Fig. 3, for instance) in the recording medium cartridge (as shown in top-view Fig. 3, for instance).

With respect to claim 39, Rae teaches a recording medium cartridge (200) wherein an accommodation portion (adjacent 300, for instance) comprises a triangular area (as shown in top-view Fig. 3, for instance) which is configured by first and second movement prevention ribs (i.e., first and second outer walls/ribs of lower cartridge shell, for instance, prevent cartridge shell separating movement) contacting each other, and one set of projections (i.e., outer tape-reel-area-defining projections, for instance).

9. Claims 2, 33, 36-38 and 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Kano et al. (US 6,667,846).

With respect to claims 2 and 33, Kano teaches a recording medium cartridge (1) comprising a noncontact-type memory (200) having an IC section (205) for storing information and performing signal processing, and an antenna section (202 and 206) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 38-41 in

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column 14, for instance); and an accommodation portion (adjacent 300, as shown in FIG. 12A, for instance) formed inside the recording medium cartridge which accommodates the noncontact-type memory at least partially, and which includes a first portion corresponding to the noncontact-type memory (as shown in FIG. 12A, for instance) and a second portion in the vicinity of the noncontact-type memory (as shown in FIG. 12A, for instance); wherein the accommodation portion is recessed one step relative to a surrounding portion (as shown in FIG. 12A, for instance), wherein the first portion comprises at least one projection (above left-most groove 301, for instance, as shown in FIG. 12A, for instance) for retaining the noncontact-type memory (as shown in FIG. 12A, for instance), wherein the at least one projection extends from one of a first movement prevention rib and a second movement prevention rib (as shown in FIG. 12A, for instance), and wherein the first and second movement prevention ribs are formed discrete from side wall portions of the recording medium cartridge (as shown in FIG. 12A, for instance) [as per claim 2]; wherein the second portion comprises an area where the first and second movement prevention ribs contact each other (as shown in FIG. 12A, for instance), such that the noncontact-type memory is disposed between the first and second portions (as shown in FIG. 12A, for instance) [as per claim 33].

With respect to claims 36-38 and 40-41, Kano teaches a recording medium cartridge (1) which accommodates a magnetic tape (5) wound around each of first and second winding hubs (6A and 6B), comprising first and second tape movement prevention ribs (i.e., to the left and right of 302 as shown in FIG. 12A, for instance) formed inside the recording medium cartridge, which prevent windings of the magnetic



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tape wound around the first and second winding hubs from moving freely, respectively; a noncontact-type memory (200) having an IC section (205) for storing information and performing signal processing, and an antenna section (202 and 206) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 38-41 in column 14, for instance); and an accommodation portion (adjacent 300, as shown in FIG. 12A, for instance) formed by the first and second tape movement prevention ribs (as shown in FIG. 12A, for instance), inside the recording medium cartridge, to retain the noncontact-type memory (as shown in FIG. 12A, for instance), wherein the first and second tape movement prevention ribs are formed in a curved shape between the first and second winding hubs so as to approach each other and conform to a circumferential surface of each of the windings of the magnetic tape having a maximum diameter (as shown in FIG. 12A, for instance), and wherein the accommodation portion is formed in an approaching area where the first and second movement prevention ribs approach each other (as shown in FIG. 12A, for instance) [as per claim 36]; wherein the accommodation portion comprises one set of projections (above each groove 301, for instance, as shown in FIG. 12A, for instance) formed on the first and second movement prevention ribs, respectively, to retain the noncontact-type memory (as shown in FIG. 12A, for instance) [as per claim 37]; wherein the one set of projections extend opposite to each other from the first and second movement prevention ribs (as shown in FIG. 12A, for instance) [as per claim 38]; wherein the approaching area in which the accommodation portion is formed is an area where a gap between the first and second

movement prevention ribs is equal to or slightly longer than an accommodation length of the noncontact-type memory (as shown in FIG. 12A, for instance) [as per claim 40]; and wherein the first and second movement prevention ribs contact each other (as shown in FIG. 12A, for instance) [as per claim 41].

10. Claims 36 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Ota et al. (US 6,556,378).

Ota teaches a recording medium cartridge (10) which accommodates a magnetic tape (30) wound around each of first and second winding hubs (40 and 50), comprising first and second tape movement prevention ribs (adjacent each 25b) formed inside the recording medium cartridge, which prevent windings of the magnetic tape wound around the first and second winding hubs from moving freely, respectively; a noncontact-type memory (150) having an IC section (152) for storing information and performing signal processing, and an antenna section (153) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 1-2 in column 10, for instance); and an accommodation portion formed by the first and second tape movement prevention ribs (as shown in FIG. 3, for instance), inside the recording medium cartridge, to retain the noncontact-type memory (as shown in FIG. 3, for instance), wherein the first and second tape movement prevention ribs are formed in a curved shape between the first and second winding hubs so as to approach each other and conform to a circumferential surface of each of the windings of the magnetic tape

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having a maximum diameter (as shown in FIG. 3, for instance), and wherein the accommodation portion is formed in an approaching area where the first and second movement prevention ribs approach each other (as shown in FIG. 3, for instance) [as per claim 36]; wherein the first and second movement prevention ribs are formed at a front side where a tape loading device enters in a central area of the recording medium cartridge (as shown in FIGS. 3 and 21-22, for instance) [as per claim 42].

### ***Response to Arguments***

11. Applicant's argument(s) filed 26 August 2004 have been fully considered but they are not persuasive.

The applicant argues that Rae does not teach "that the first portion of the accommodation portion has at least one projection for retaining the noncontact-type memory, the at least one projection extending from one of a first and second movement prevention rib." This argument, however, is not found to be persuasive as Rae does teach that the first portion of the accommodation portion (as shown in Fig. 3, for instance) has at least one projection (i.e., an outer wall of lower cartridge shell, for instance, projects from a base of the lower cartridge shell to form a projection) for retaining a noncontact-type memory (300), the at least one projection extending from one of a first movement prevention rib (i.e., an inner tape-reel-area-defining rib, for instance, as shown in top-view Fig. 3, for instance) and a second movement prevention rib (i.e., an outer tape-reel-area-defining rib, for instance, as shown in top-view Fig. 3,

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for instance, from which the at least one projection extends, as shown in top-view Fig. 3, for instance).

### ***Pertinent Prior Art***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Onmori et al. (US 2004/0165313), which teaches a recording medium cartridge with a noncontact-type memory device accommodated therein.

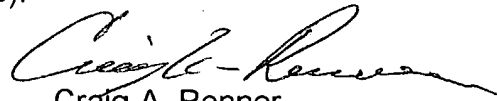
### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (703) 308-0559. The examiner can normally be reached on Tuesday-Friday 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Craig A. Renner  
Primary Examiner  
Art Unit 2652

CAR